

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

| | | |
|---------------------------------|---|--------------------------------|
| JULIAN ALVARADO; |) | |
| JORGE ALVARADO; and |) | |
| MYNOR CHOX FRANCISCO, |) | |
| |) | |
| Plaintiffs, |) | No.: 3:16-cv-03030 |
| |) | |
| v. |) | Judge Crenshaw |
| |) | |
| BURKE SKELTON; and |) | Magistrate Judge Holmes |
| OUTDOORS UNLIMITED, INC. |) | |
| |) | |
| |) | |
| Defendants. |) | |

PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT ON LIABILITY

Plaintiffs Julian Alvarado, Jorge Alvarado, and Mynor Chox Francisco ("Plaintiffs"), by their undersigned counsel, hereby submit this motion for partial summary judgment ("Motion") as to Defendants' liability on Count I, violation of the Fair Labor Standards Act, and Count VI, common law breach of contract.

Plaintiffs are entitled to summary judgment on Count I because the undisputed facts show that Defendants have failed to pay Plaintiffs for all the hours they worked. Plaintiffs are entitled to summary judgment on Count VI because the undisputed facts show that Defendants breached the terms of the employment contract between the parties. For these reasons, and for those fully articulated in the memorandum of law filed contemporaneously, Plaintiffs are entitled to an award of partial summary judgment on Defendants' liability for Counts I and VI.

In support of this motion, Plaintiffs rely upon the following, filed contemporaneously:

1. Plaintiffs' Memorandum of Law in Support of this Motion;

2. Declarations of Plaintiffs Julian Alvarado, Jorge Alvarado, Mynor Chox Francisco, and Exhibits thereto;
3. Declaration of Callie Jennings, attorney for Plaintiffs, and Exhibit thereto; and
4. Plaintiffs' Statement of Undisputed Material Facts.

While the undisputed facts show Plaintiffs' entitlement to judgment as a matter of law on the question of liability, calculation of damages will require resolution of disputed fact. For that reason, Plaintiffs ask this Court to rule on Defendants' liability on their claims for violations of the Fair Labor Standard Act and their claim for breach of contract, and to set a hearing on the question of Plaintiffs' damages.

Dated: March 3, 2017

Respectfully Submitted,

/s Callie Jennings

Callie Jennings (BPR# 35198)

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I certify that on March 3, 2017, the foregoing document was electronically filed with the Clerk of the Court using CM/ECF and served via the Court's Electronic Filing System to:

Bert W. McCarter
101 North Maple Street
Murfreesboro, TN 37130

Attorney for Defendants, Outdoors Unlimited, Inc. and Burke Skelton

/s Callie Jennings

Callie Jennings